

JUL. 17. 2007 9:09AM US P

NO. 273 P. 5

SENTENCING RECOMMENDATION

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

UNITED STATES v. VARGAS-DIAZ, Juvenal 01CR00875-001-TUC-DCB

OFFICIAL DETENTION ADJUSTMENT: None
REVOCATION TABLE:

	<u>Statutory Provisions</u>	<u>Guideline Provisions</u>	<u>Plea Agreement Provisions</u>	<u>Recommended Sentence</u>
CUSTODY:	Up to 24 months 18 U.S.C. § 3583(e)(3)	21 months to 24 months §7B1.4	21 to 22 months	22
SUPERVISED RELEASE:	36 months less any term of imprisonment imposed. 18 U.S.C. §3583(h)	36 months less any term of imprisonment imposed. §7B1.3(g)(2)	At Court's discretion	14 months

JUSTIFICATION

Vargas-Diaz was released from federal supervision on February 5, 2004, and was deported to Mexico the following day. The defendant unlawfully entered the United States following his deportation. On April 21, 2006, he was charged with reckless driving, hit and run and child endangerment, false imprisonment and false reporting to police officers. On July 10, 2006, Vargas-Diaz was sentenced to 16 months imprisonment in Superior Court of California, Humboldt County, case CR062248S, for evading peace officer in disregard for safety. The defendant's criminal history is lengthy, consisting of burglary, possession of stolen property, possession of a loaded firearm in vehicle, possession of a controlled substance (methamphetamine) among several other arrests for similar offenses. The defendant clearly poses a significant risk to the community as evidenced by his most recent conviction and his criminal history. Further, the defendant was fortunate that he was not charged with illegal re-entry in the Eastern District of California. Therefore, 22 months imprisonment appears to be an appropriate sanction for violation of the Court's trust. A 14-month term of supervised release is recommended to hold the defendant accountable and deter criminal activity.

VOLUNTARY SURRENDER

The defendant is in the custody of the United States Marshal, Tucson, Arizona.